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UNITED STATES DIST, ICT COURT EASTERN DISTRICT OF NEW YORK

CHRISTINA KLEMM,

Plaintiff,

08 Civ. 3641 (CBA) (SMG)

STIPULATION OF DISCONTINUANCE

-against-

MATTHEW R. STEIN, J.A.G. & H.E. CONSTRUCTION, INC. and D.H.E. COMI ANY, INC.,

Defendants.

IT IS HEREBY S TPULATED AND AGREED by and between the attorneys for the respective parties herein that the above entitled action having been settled be and the same hereby is discontinued with prejudice and without costs to any party and that this st pulation may be filed with the Clerk of the Court without further notice.

Dated: New York, New York January , 2009

O'DWYER & BERNSTI IN, LLP

By: Christopher Downes, Esq. Attorneys for Plaintil Christina Klemm & 52 Duane Street New York, New York 10007 (212) 571-7100

GOLDBERG SEGALLA, LLP

By: William Kelly, Esq.
Attorneys for Defendant
D.H.E. Company, Inc
170 Hamilton Avenue, Suite 208
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By: Jeffrey K. Van Etten, Esq. Attorneys for Defendants J.A.G. & H.E. Construction, Inc. 170 Broadway, Suite 500 New York, New York 10038

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By: Michael A. Bono, Esq. Attorneys for Defendant Matthew R. Stein 111 Broadway, 9th Floor

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Dated: New York, New York January 7, 2009

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